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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,028	11/21/2001	Shumanta Mitra	340.138	2760

7590 11/20/2002

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EXAMINER

WEBB, GREGORY E

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/20/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/990,028

Applicant(s)

MITRA ET AL.

Examiner

Gregory E. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "no-rinse cleaning application", and the claim also recites "preferably either by a dosing dispenser or in a combined cleaning tool" which is the narrower statement of the range/limitation.

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4. Furthermore, claim 1 recites a "preferable" range for the amount of organic solvent contained in the composition. In general the term "preferable" should be avoided in claim language as it does not clearly set forth definite bounds in the claim.

5. Claim 1 is also found indefinite for the term "of least about 8." First, it is unclear based on grammatical reasons what is claimed. Second, the use of the combination of terms "of at least" and "about" does not clearly define the end point of the range. The term "at least" defines a distinct lower bound. The term "about" states that points may lie above or below this point. It thus becomes unclear because no lower bound is actually clearly defined rendering the phrase "at least" as ambiguous.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Underwood (US 5,534,184).

8. Underwood teaches various compositions in table I (see col. 10) containing solvents including isopropanol and butoxypropanol, nonionic surfactants including amine oxides, a water soluble polymer (Sokalan CP-9; see table col. 3), anionic surfactants including sodium alkyl sulfate, monoethanolamine (volatile chelating agent), and the remainder water.

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9. Underwood teaches the preferred use of the disulfonate anionic surfactants (see col. 6, lines 24-46) and the use of alkoxylated alcohols as per claim 3.

10. Underwood further teaches the use of water-soluble polyacrylate solvents in col. 3.

11. Underwood teaches the use of various solvents including aromatic solvents such as orange terpene. Such solvents as orange terpene have a very pleasant orange fragrance and would thus meet the broad limitation of "functional adjunct" in claim 7.

12. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabriel (US 5,510,047).

13. Gabriel teaches a composition in example 6 containing water, 1,2-propanediol (solvent), monoethanolamine (volatile buffer), nonionic surfactants, sodium cumene sulfonate (anionic surfactant), anionic disulfonate surfactant (as per claim 2), Polygel DK (a polyacrylate thickener), and lemon perfume (as per claim 7).

14. Further concerning the polymer, in example I, Gabriel teaches the use of a polyacrylate with a molecular weight of 4500, well below the limits of claim 1.

15. Concerning the nonionic surfactant of claims 3-4, Gabriel teaches the use of ethoxylated alcohols meeting the limitations of claim 4 (see col. 7, lines 5-25).

16. Concerning claim 5, the composition of example 6 contains the 3 weight percent anionic surfactants (cumene sulfonate and disulfonate) and 3 weight percent nonionic surfactants yielding a ratio with the limits set forth in claim 5.

17. Concerning the HLB requirement of claim 1, as the ratio of ethoxylated and propoxylated groupings of claim 4 have been met as well as the alcohol chain length, such limitations as HLB would be inherent to those surfactants of Gabriel.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 703-305-4945.

The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703)308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

A handwritten signature in black ink, appearing to read 'Gregory E. Webb', with a stylized, cursive script.

Gregory E. Webb  
Examiner  
Art Unit 1751

gw  
November 13, 2002